REMARKS

This is in response to the Office Action mailed March 26, 2002, in the above identified application, which application is related to a composition which may be applied to a surface for the purpose of combating offensive odors. As noted in the specification, the composition comprises a perfume suitable for masking unacceptable odors, in combination with specific surfactant/solubilizers which enable their use in aqueous solution. The present invention differs from the prior art in the use of glycol ethers and glycol ethyl ethers in combination with hydrophobic fragrance oil in water based formulations, without the addition of volatile solubilizers such as glycols or monohydric alcohols, previously utilized, and formerly considered necessary, to solubilize hydrophobic fragrance materials. It is specifically indicated in the specification that the presence of volatile organic compounds, or VOCs, such as low molecular weight alcohols, is undesirable, and should be limited to less than about 1 percent, and preferably less than about 0.25 percent. The present invention thus provides an essentially non-VOC formulation which does not form a residue on fabric. This is significant in the avoidance of VOC emissions, which are regulated under state and federal air quality standards, as well as being objectionable to the senses of many consumers.

In the Final Rejection, the Examiner has rejected all Claims as unpatentable under 35 USC 103(a) over Nogami *et al.* (WO 98/56337) in view of Yuhas (US 4,226,889). Nogami *et al.* are said to teach an aqueous malodor reducing composition comprising low concentrations of fragrance materials such as amber and musk (having C log P not less than 3.5), up to 35% surfactant, diethylene glycol as a non-volatile organic compound, alcohol ethoxylates, copper and zinc salt odor absorbers, and other adjunct materials. The patent also teaches a method for use of the composition, at a pH of 4. The Examiner has indicated that one of skill in the art would find it obvious to employ any percentage range of perfumes and surfactants. The Yuhas reference is said to teach a deodorant cosmetic composition comprising fragrance components such as the floral and the spicy groups. The Examiner indicates that one would be

motivated to use the fragrances of Yuhas in the compositions of Nogami *et al.* Applicants take exception to this conclusion, as discussed hereinafter, and herewith submit a rewritten set of Claims for purposes of clarification of the distinctions between the present invention and the prior art, but without narrowing of the scope of said invention. The Claims as now rewritten specifically emphasize the use of non-volatile organic compounds for the purposes of surfactant/solubilizer and solvent/drying aid, and clearly indicate the use of hydrophobic perfumes. It is submitted that the references of record fail to teach or make obvious this combination of materials as set forth by the Claims of this application.

With respect to the Nogami *et al.* reference, Applicants offer the following comments. While the reference does indicate the use of musk and amber fragrances, which are hydrophobic, these compositions are not normally considered fragrance components as used in the industry. Further, at page 3, lines 1 - 7, the reference teaches that the total amount of the malodor reducing composition, the amber chemical material and the musk material, in the product is from 0.0001 to about 1% This is to be contrasted with the present invention, wherein a light fragrance, not a heavy material such as musk or amber, is present in a similar amount, but is accompanied by up to 5% of an odor absorber (a water soluble metal salt). Thus, the Nogami *et al.* composition combats odor in an entirely different manner than does the present invention. Moreover, the solubilizing agents used by Nogami *et al.* are low molecular weight polyols, which would not constitute non-volatile organic compounds. Attention is directed to page 7, lines 12 - 19, of the reference, wherein a number of "materials having faint odor" which are suitable solubilizing agents or diluents are identified. Clearly, none of the suggested materials would form non-volatile organic compound formulations such as claimed in the present invention. Nor would they be classified as a group as being surfactant/solubilizers such as used in the present invention. Rather, the patentee specifies at page 8, lines 12 *et seq.,* the surfactant systems suitable for use in his invention. Thus, Nogami *et al.* suggests that preparation of a deodorizing cleaning composition requires a surfactant which does not act as a solubilizing agent, in combination with a separate solubilizer (page 7, lines 12 - 19). The surfactant of

Nogami *et al.* is present for its cleaning capability, rather than to solubilize the fragrance oil. The present invention, on the other hand, utilizes a surfactant which acts as a solubilizer, in combination with a compound normally referred to as a solvent, which in the present case acts as both a solvent for the fragrance oil, and to wet the fabric, as well as a drying aid. Again, it is specifically indicated that such solvent/drying agent comprises a non-volatile organic compound. It is only through such a combination of components that a perfumed odor combative combination is obtained which does not leave a residue or stain upon drying.

With respect to the teachings of Yuhas, it is to be noted that the reference is specifically directed to a solid, stick-type cosmetic composition containing an aromatic substance. The use of floral and spicy fragrance groups is well known throughout the formulation and fragrance development industry. As the reference does not teach the specific solubility characteristics of the fragrance oils used, it does not follow that one skilled in the art would be motivated to substitute such light fragrances for the heavy amber and musk fragrances specified by Nogami *et al.* Moreover, the Yuhas reference also applies to personal care applications, where the "active deodorizing agents" are fungicides and bacteriocidal compounds, not metal salts. Relative to the use of glycols and polyglycols by Yuhas, it is to be noted that such usage is to modify the hardness of the stick, and aid in deposition on skin, not to solubilize the fragrance oil. Accordingly, it is not believed that the teachings of Yuhas overcome the deficiencies of the Nogami *et al.* reference, and that one of ordinary skill in the art would not be motivated to combine the teachings of the two references in the manner suggested by the Examiner.

It is submitted that newly submitted claims 34 - 58 are neither taught nor made obvious by the references of record, which fail to teach or suggest to one of ordinary skill in the art that the combination of a non-volatile organic surfactant/solvent with a non-volatile organic solvent dryer aid will permit one to utilize a hydrophobic perfume in an aqueous composition to overcome objectionable odors.

Accordingly, it is submitted that all such rejections as set forth in the Final Rejection of March 26, 2002, are without merit. Accordingly, withdrawal of the rejection of the claims of this application is solicited, and an early notification of the allowability thereof is requested.

Respectfully submitted,

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